

# **CITY COUNCIL AGENDA**

**JANUARY 16, 2001**

## **SYNOPSIS**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ  
CHUCK REED  
VACANT

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
GEORGE SHIRAKAWA, JR.  
DAVID D. CORTESE  
JOHN DIQUISTO  
PAT DANDO

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Economic and Neighborhood Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Transportation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- **Recreation and Cultural Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Aviation Services** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

- **Call to Order and Roll Call**

9:30 a.m. - Closed Session, Room 600, City Hall

**Absent: Council Member Shirakawa, Jr. (excused)**

**Vacant: District 5**

1:30 p.m. - Regular Session, Council Chambers, City Hall

**Absent: Council Members – None.**

**Vacant: District 5**

7:00 p.m. - Public Hearings, Council Chambers, City Hall

**Absent: Council Member Shirakawa, Jr. (excused).**

**Vacant: District 5**

- **Invocation (District 1)**

The following students from DeVargas Elementary School, Cupertino Union School District, recited a poem describing their school and some of the activities: Rosalind Ang, Aashbir Basi, Shahab Beoshehri, Sean Brinkerhoff, Sonia Dalal, Kirby Haraguchi, Steven Hirsch, Fareed Khalkhal, Jongchan Lee, Jake Martin, Raleen Martinez, Akiko Maruyama, Jonathan McHugh, Ghazaleh Meili, Troy Milton, Jennifer Moon, Dustin Mortzaavi, Brittany Nort, Yoko Ono, Blanca Ortiz, Danny Padilla, Mano Paglavan, Ana Pischl, Natica Ritprasert.

- **Pledge of Allegiance**

Mayor Gonzales led in the Pledge of Allegiance.

- **Orders of the Day**

Approved with the meeting of the City Council adjourned in memory of William Hewlett.

# 1 CEREMONIAL ITEMS

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- 1.1 Council Member LeZotte welcomed to the meeting of the San José City Council the students from DeVargas Elementary School, accompanied by parent volunteers – Cheri Martin, Darlene Brinkerhoff, Yumi Haraguchi, Ronnie Ritprasert, Soraya Saadieh, Dubravka Pisch, and Alicia Bowman – their teacher Matthew Pavao, and School Principal Steven Woo, and asked the guests to stand and be recognized.

# 2 CONSENT CALENDAR

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- 2.1 Approval of open purchase orders to the purchase of supplies, materials, equipment and services.

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-2001 #25, and authorization for the Director of General Services to execute the purchase orders. (General Services)

**Approved.**

- 2.2 Approval to increase the compensation limit for the purchase of a fire truck.

**Recommendation:** Authorization for the Director of General Services to execute a change order increasing the maximum compensation for the purchase of one (1) 100-foot mid-mount aerial fire truck with Ferarra Fire Apparatus from \$650,354.09 to \$730,242.60, including tax and delivery, and to reduce the previously approved contingency funding from \$33,000 to \$10,000. (General Services/Fire)

**Approved.**

- 2.3 Approval of an agreement for athletic field improvements at Andrew Hill High School.

**Recommendation:** Approval of an agreement with East Side Union High School District for athletic field improvements at Andrew Hill High School, in the amount of \$100,000. CEQA: Exempt. (Parks, Recreation and Neighborhood Services)

**Approved.**

- 2.4 Approval to increase compensation and extend the contract term for the Customer Service Center Project.

**Recommendation:** Approval of Contract Change Order No. 4 with Eddie Torrez Construction Company, Inc., for the Customer Service Center Project, increasing the compensation by \$8,900, and extending the term of the agreement by 90 days to February 15, 2001. CEQA: Exempt. (Public Works)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.5 Final adoption of an ordinance.

**Recommendation:** ORD. NO. 26196 – Adopts the Neighborhood Business Clusters Redevelopment Plan and makes certain findings.

[Deferred from 9/19/00 – Item 6b(4) et al., and 1/9/01 – Item 2.1]

**Deferred to 01/30/01 - To Be Heard With Item 10.1(a).**

### 2.6 Final adoption of an ordinance.

**Recommendation:** ORD. NO. 26197 – Amends the Julian-Stockton Redevelopment Plan, the Olinder Redevelopment Plan, the San Antonio Plaza Redevelopment Plan, the Rincon de Los Esteros Redevelopment Plan, the Pueblo Uno Redevelopment Plan, the Edenvale Redevelopment Plan, the Guadalupe-Auzerais Redevelopment Plan, the Market Gateway Redevelopment Plan, the Century Center Redevelopment Plan, the Alum Rock Avenue Redevelopment Plan, the East Santa Clara Street Redevelopment Plan, the Almaden Gateway Redevelopment Plan, the Story Road Redevelopment Plan, The Alameda Redevelopment Plan, the West San Carlos Street Redevelopment Plan, the Japantown Redevelopment Plan, the Monterey Corridor Redevelopment Plan, the Park Center Redevelopment Plan, the Civic Plaza Redevelopment Plan, and the Neighborhood Business Clusters Redevelopment Plan to effect the merger of said Redevelopment Project Areas and making certain findings.

[Deferred from 9/19/00 – Item 6b(5) et al., and 1/9/01 – Item 2.2]

**Deferred to 01/30/01 - To Be Heard With Item 10.1(b).**

### 2.7 Certification of signatures on the Referendum against Resolution No. 69958.

**Recommendation:** Certification of signatures by the City Clerk and Council direction on the Referendum against Resolution No. 69958, adopting amendments to the North Coyote Valley Campus Industrial Area Master Plan. (City Clerk)  
(Rules Committee referral 1/10/01)

**This Item Renumbered to Item 3.5**

**See Item 3.5 For Council Action Taken.**

### 2.8 Council confirmation of Vice Mayor George Shirakawa, Jr.

**Recommendation:** Approval to ratify the appointment of George Shirakawa, Jr. as Vice Mayor. (Mayor)

(Rules Committee referral 1/10/01)

**Appointment Unanimously Confirmed.**

## **2      CONSENT CALENDAR**

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### **2.9      Proposal to support transition of Community Based Organizations to the Workforce Investment Act Youth Service programs.**

#### **Recommendation:**

- (a)      Approval of a proposal to support Community Based Organizations transition to the Workforce Investment Act Youth Service programs. (Mayor)

**Approved.**

- (b)      Adoption of appropriation ordinance amendments in the General Fund to provide financial support for a one-time transition grant for the Workforce Investment Act Youth Community Outreach and Recruitment in the amount of \$250,000, and adoption of a resolution authorizing the City Manager to negotiate and execute grant agreements with grant recipients in a total amount not to exceed \$250,000. (City Manager's Office)

(Rules Committee referral 1/10/01)

**Ordinance No. 26281 adopted.**

**Resolution No. 70110 adopted.**

## **3      STRATEGIC SUPPORT SERVICES**

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### **3.1      Report of the Study Session, Mayor Gonzales, Chair             No Report.**

### **3.2      Report of the Rules Committee Vice Mayor Shirakawa, Jr., Chair             No Report.**

### **3.3      Report of the Finance and Infrastructure Committee Council Member Dando, Chair             No Report.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.4 Approval of a non-exclusive agreement for pay telephone equipment and service.**

**Recommendation:** Report on Request for Proposals and adoption of a resolution authorizing the Director of General Services to negotiate and execute:

(a) A non-exclusive agreement with Pacific Bell for pay telephone equipment and services with long distance service to be provided by AT&T with projected combined annual revenue to the City of \$1,159,037.00, for a period of three (3) years from February 12, 2001 to February 11, 2004.

(b) Two one (1) year options to renew beginning February 12, 2004.

(General Services/Information Technology)

**Resolution No. 70111 adopted.**

**Council directed the Administration to review privacy issues regarding the ability to extract call listings for posting, tracing or display purposes.**

#### **3.5 Certification of signatures on the Referendum against Resolution No. 69958.**

**Recommendation:** Certification of signatures by the City Clerk and Council direction on the Referendum against Resolution No. 69958, adopting amendments to the North Coyote Valley Campus Industrial Area Master Plan. (City Clerk)

(Rules Committee referral 1/10/01)

**This Item Renumbered from Item 2.7**

**The City Council (1) accepted the certification of the signature examination from the Santa Clara County Registrar of Voters, as reported by the City Clerk, and (2) took no action with regard to the referendum petition predicated on the fact the petition failed to meet the legal requirements for the proper subject matter of a referendum petition.**

**Disqualified: Dando, due to family business matters.**

### **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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#### **4.1 Report of the Economic Development & Environment Committee**

**Council Member Williams, Chair**

**No Report.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.2 Disposition and Development Agreement with Concern for the Poor, Inc.**

**Recommendation:** Public Hearing and adoption of a resolution approving a Disposition and Development Agreement (DDA) with Concern for the Poor, Inc., or its designated affiliate, including business terms for a conditional grant of up to \$5,832,500 and bridge loan of up to \$5,232,500 for the acquisition of 2.2 acres of City-owned property and the construction and permanent financing of 51 units of transitional rental housing for extremely low-income families at the southeast corner of Las Plumas Avenue and Nipper Avenue. CEQA: ND. (Housing)

(Deferred from 11/14/00 – Item 9d and 12/12/00 – Item 9b)

**Dropped.**

### **4.3 Approval to file eminent domain actions to acquire properties for the Hellyer Avenue Expansion Project.**

**Recommendation:** Adoption of resolutions determining that public use and necessity require the acquisition of portions of real property and directing the City Attorney to file eminent domain actions to acquire such properties for the Hellyer Avenue Expansion Project. CEQA: Resolution No. 69699. (Public Works)

- (a) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of real property located off of Piercy Road (APN No. 678-13-012), which real property is owned by Piercy Road Ltd. (“Owner”); and directing the City Attorney to file an eminent domain action to acquire such property.

**Resolution No. 70112 adopted.**

- (b) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of real property located at 488 Piercy Road (APN No. 678-08-007), which real property is owned by Kenneth T. Namimatsu, Richard & Sharon Inouye, Reiko Matsumoto, Naomi Kanda, Hideo Namimatsu and Hatsuko Namimatsu (“Owner”); and directing the City Attorney to file an eminent domain action to acquire such property.

**Resolution No. 70113 adopted.**

- (c) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of real property located at 475 Piercy Road (APN No. 678-13-014), which real property is owned by Armand R. and Joan C. La Brucherie (“Owner”); and directing the City Attorney to file an eminent domain action to acquire such property.

**Resolution No. 70114 adopted.**



## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.3 Approval to file eminent domain actions to acquire properties for the Hellyer Avenue Expansion Project. (Cont'd)**

- (d) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of real property located off Piercy Road (APN Nos. 678-13-010, 011), which real property is owned by Narinder & Sushma Pal (“Owner”); and directing the City Attorney to file an eminent domain action to acquire such property.

**Resolution No. 70115 adopted.**

- (e) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of real property located at 715 Piercy Road (APN No. 678-09-013), which real property is owned by Terramac Inc., Detrick Corporation, Kenko Utility Supply Inc. and Wageeh H. & Sameha A. Tawfik (“Owner”); and directing the City Attorney to file an eminent domain action to acquire such property.

**Resolution No. 70116 adopted.**

- (f) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of real property located off Tennant Avenue (APN No. 678-09-008), which real property is owned by Gerald R. Whitt (“Owner”); and directing the City Attorney to file an eminent domain action to acquire such property.

**Resolution No. 70117 adopted.**

- (g) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of real property located at 6502 Alyssa Court (APN 678-24-070), which real property is owned by Thien and Cindy Do (“Owner”); and directing the City Attorney to file an eminent domain action to acquire such property.

**Resolution No. 70118 adopted.**

- (h) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of real property located at 485 Piercy Road (APN No. 678-13-009), which real property is owned by Catherine Wiehe & Marian W. Wiehe (“Owner”); and directing the City Attorney to file an eminent domain action to acquire such property.

**Resolution No. 70119 adopted.**

- (i) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of real property located off Piercy Road (APN No. 678-08-020), which real property is owned by William Mark Piercy, Gwen M. Piercy and Sandor & Gail Barat (“Owner”); and directing the City Attorney to file an eminent domain action to acquire such property.

**Resolution No. 70120 adopted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.3 Approval to file eminent domain actions to acquire properties for the Hellyer Avenue Expansion Project. (Cont'd)**

- (j) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of real property located off Piercy Road (APN No. 678-08-019), which real property is owned by Vincent M. Tedesco, as Trustee and Louis P. & Eva M. Barbaccia (“Owner”); and directing the City Attorney to file an eminent domain action to acquire such property.

**Resolution No. 70121 adopted.**

- (k) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of real property located at 514 Piercy Road (APN No. 678-08-016), which real property is owned by Mike & Yasuyo Niimoto (“Owner”); and directing the City Attorney to file an eminent domain action to acquire such property.

**Resolution No. 70122 adopted.**

- (l) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of real property located at 575 Piercy Road (APN No. 678-13-013), which real property is owned by Jane E., Lee W., Helen L., Janie Gay, Judy Kay, and Amber Lee Hillyer (“Owner”); and directing the City Attorney to file an eminent domain action to acquire such property.

**Resolution No. 70123 adopted.**

- (m) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of real property located at 505 Piercy Road (APN No. 678-13-003), which real property is owned by Irene B. Mercado, successor trustee and Edmund G. Mercado (“Owner”); and directing the City Attorney to file an eminent domain action to acquire such property.

**Resolution No. 70124 adopted.**

- (n) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of real property located at 6521 Alyssa Court (APN No. 678-24-072), which real property is owned by Carolyn J. Posada, and Garrett Matthew Gonzales (“Owner”); and directing the City Attorney to file an eminent domain action to acquire such property.

**Resolution No. 70125 adopted.**

- (o) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of real property located at 6527 Alyssa Court (APN No. 678-24-073), which real property is owned by Robert B, Lisa Marie, Robert D. and Barbara D. Snodgrass (“Owner”); and directing the City Attorney to file an eminent domain action to acquire such property.

**Resolution No. 70126 adopted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.3 Approval to file eminent domain actions to acquire properties for the Hellyer Avenue Expansion Project. (Cont'd)**

- (p) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of real property located off Alyssa Court (APN Nos. 678-24-071 & 074), which real property is owned by Bay Colonies Investors II Inc. ("Owner"); and directing the City Attorney to file an eminent domain action to acquire such property.

CEQA: Resolution No. 69699. (Public Works)

**Resolution No. 70127 adopted.**

**Council (1) approved the actions recommended in Item 4.3(a)-(p) as indicated; (2) directed the Administration to immediately initiate contacts with property owners on a one-to-one basis to respond to unresolved issues; and (3) to return to Council on 01/30/01 with documented actions taken.**

### **4.4 Approval of an agreement with the County of Santa Clara for the purchase of property.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with County of Santa Clara whereby the City will be paying the County \$11,000 for the purchase of:

- (a) A permanent slope easement over County park land located immediately north of the current Silicon Valley Boulevard Bridge (Tennant Avenue) and adjacent to the Levin Ranch residential development.
- (b) A temporary construction easement to adjoining land located within the Coyote Creek.
- (c) A maintenance mitigation easement, along Silicon Valley Boulevard and Tennant Avenue between Eden Park Place and Basking Ridge Avenue.

CEQA: Resolution No. 65660. (Public Works)

**Dropped.**

### **4.5 Consideration of opportunities to increase housing production.**

**Recommendation:** Review and consideration of opportunities to increase housing production in San José. (Mayor)

(Deferred from 12/19/00 – Item 9f and 1/9/01 – Item 4.4)

**Council approved the recommendations contained in Mayor Gonzales' 01/10/01 memorandum with amendments and comments from Council Members.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.6 Approval of an ordinance allowing certain signs on buildings in the Downtown area.**

**Recommendation:**

- (a) Approval of an ordinance amending Chapters 23.02 and 23.04 of Title 23 of the San José Municipal Code to allow certain flat-mounted and flat roof-top signs on large buildings Downtown, to allow skyline signs on certain buildings Downtown, and to allow certain signs on buildings adjacent to freeway off-ramps Downtown.

**Ordinance No. 26282 passed for publication.**

- (b) Adoption of a related resolution allowing an exception to the Outdoor Lighting Policy.

(City Attorney's Office)

(Rules Committee referral 1/10/01)

**No Resolution Required.**

## **5 TRANSPORTATION SERVICES**

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### **5.1 Traffic Calming Advisory Committee (Ad hoc)**

**Council Member Reed, Chair**

**No Report.**

### **5.2 Approval of an agreement for the design of the Silicon Valley Intelligent Transportation Systems Fremont-Milpitas Project.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Kimley-Horn and Associates for consultant services in an amount not to exceed \$799,727, for the design of the Silicon Valley-Intelligent Transportation Systems (SV-ITS) Fremont-Milpitas Project, with a term ending September 30, 2002, and authorizing the Director of Streets and Traffic to extend the term for up to an additional 180 days, if necessary. CEQA: Exempt. (Streets and Traffic)

**Resolution No. 70128 adopted.**

### **5.3 Approval of an agreement for the development of the Silicon Valley Intelligent Transportation Systems Enhancement Project.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with DKS Associates for consultant services for an amount not to exceed \$1,332,000, for the development of the Silicon Valley-Intelligent Transportation Systems (SV-ITS) Enhancement Project, with a term ending June 30, 2002, and authorizing the Director of Streets and Traffic to extend the term for up to an additional 180 days, if necessary. CEQA: Exempt. (Streets and Traffic)

**Resolution No. 70129 adopted.**

## **6 RECREATION & CULTURAL SERVICES**

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- 6.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee  
Council Member Chavez, Chair  
No Report.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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## **8 AVIATION SERVICES**

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## **9 PUBLIC SAFETY SERVICES**

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## **10 JOINT COUNCIL/REDEVELOPMENT AGENCY**

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### **CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 10.1 IN A JOINT SESSION**

#### **10.1 Adoption of the Neighborhood Business Clusters Redevelopment Plan.**

##### **Recommendation:**

- (a) Adoption by the City Council of a response to written objections from property owners and taxing entities to the adoption of the Neighborhood Business Clusters Redevelopment Plan and the merger of the Neighborhood Business Clusters Redevelopment Plan into the San Jose Merged Area Redevelopment Plan.
  - (b) Final adoption of ORDINANCE NO. 26196 – Adopts the Neighborhood Business Clusters Redevelopment Plan and makes certain findings.
- TO BE HEARD WITH ITEM 2.5**

## **10 JOINT COUNCIL/REDEVELOPMENT AGENCY**

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### **10.2 Adoption of the Neighborhood Business Clusters Redevelopment Plan.**

#### **Recommendation:**

- (c) Final adoption of ORDINANCE NO. 26197 – Amends the Julian-Stockton Redevelopment Plan, the Olinder Redevelopment Plan, the San Antonio Plaza Redevelopment Plan, the Rincon de Los Esteros Redevelopment Plan, the Pueblo Uno Redevelopment Plan, the Edenvale Redevelopment Plan, the Guadalupe-Auzerais Redevelopment Plan, the Market Gateway Redevelopment Plan, the Century Center Redevelopment Plan, the Alum Rock Avenue Redevelopment Plan, the East Santa Clara Street Redevelopment Plan, the Almaden Gateway Redevelopment Plan, the Story Road Redevelopment Plan, The Alameda Redevelopment Plan, the West San Carlos Street Redevelopment Plan, the Japantown Redevelopment Plan, the Monterey Corridor Redevelopment Plan, the Park Center Redevelopment Plan, the Civic Plaza Redevelopment Plan, and the Neighborhood Business Clusters Redevelopment Plan to effect the merger of said Redevelopment Project Areas and making certain findings

#### **TO BE HEARD WITH ITEM 2.6**

(Deferred from 9/19/00 – Item 11a et al., and 1/9/01 – Item 10.1)

**Deferred to 01/30/01.**

#### **ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING**

- Closed Session Report
- Open Forum—  
Following Open Forum, Council recessed at 5:00 p.m. and reconvened at 7:05 p.m., in Council Chambers, City Hall.

## 11 PUBLIC HEARINGS

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(To be heard by the City Council at 7:00 p.m.)

### 11.1 Public hearing on conditional use permit appeal.

**Recommendation:** PUBLIC HEARING ON CONDITIONAL USE PERMIT APPEAL of the Planning Commission's Decision to Deny a Conditional Use Permit for a project located at the east side of Old Oakland Road, 1000 feet southerly of Rock Avenue (1964 Old Oakland Road), on a 1.7 gross acre sit in the M-Manufacturing Zoning District, to allow the operation of an unpermitted auto dismantling business. (Jerome and Mary Johnson, Owner/Developer). CEQA: Incomplete. Director of Planning, Building, and Code Enforcement recommends to uphold the Planning Commission denial.

CP 99-09-049 - District 4

**Dropped.**

### 11.2 Public hearing on planned development rezoning.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of South Third Street, 50 feet northerly of East William Street (480 South Third Street), from R-4 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to 20 multi-family attached dwelling units on 0.24 gross acres. (480 South Third Street Partners, Owner/Developer). CEQA: Resolution No. 68839. Director of Planning, Building, and Code Enforcement and Planning Commission recommend denial (7-0-0).

PDC 00-05-045 - District 3

(Continued from 11/14/00 – Item 15e et al., and 12/12/00 – Item 15b)

**Dropped.**

### 11.3 Public hearing on planned development rezoning.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Las Plumas and Nipper Avenues, from M-1 Manufacturing to A(PD) Planned Development Zoning District, to allow 51 multiple family attached transitional housing units and associated office, services, and childcare facilities, and a job training center in an existing warehouse on 6 gross acres. (Santa Clara County Housing Authority/Developer; City of San José/Owner). CEQA: Negative Declaration.

PDC 00-08-066 - District 5

(Continued from 11/14/00 – Item 15g et al., and 12/12/00 – Item 15c)

**Dropped.**

## 11 PUBLIC HEARINGS

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### 11.4 Public hearing on planned development rezoning.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of North 2<sup>nd</sup> Street, approximately 400 feet northerly of East Julian Street (342 North 2<sup>nd</sup> Street), from M-1 Manufacturing Zoning District to (A) PD Planned Development Zoning District, to allow up to 62 live/work loft dwelling units on 0.95 gross acres. (San José Lofts LLC, Owner/Developer). CEQA: Negative Declaration.  
PDC 00-07-061- District 3  
(Continued from 12/12/00 – Item 15i)  
**Continued to 02/6/01.**

### 11.5 Public hearing on planned development rezoning.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the easterly terminus of Skyway Drive, from (A) PD Planned Development Zoning District and R-1:B-6 Residence District to (A) PD Planned Development Zoning District, to allow: (1) secondary access to Diamond Heights Drive; (2) an increase in the maximum number of students from 1200 to 1400; (3) hard court and parking uses on areas previously designated for open space, and (4) deletion of the requirement to implement a busing program; and (5) combination of the previously approved portions of an existing high school and church campus under one Planned Development Zoning District on 52.68 gross acres. (Valley Christian Schools and South Valley Christian Church, Owner/Developer). CEQA: Negative Declaration.  
PDC 00-08-065 - District 2  
(Continued from 12/12/00 – Item 15k)  
**Continued to 03/20/01.**

### 11.6 Public hearing on planned development rezoning.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of Auzerai and Race Streets (1135 Auzerai Street), from M-1 Manufacturing Zoning District to (A) PD Planned Development Zoning District, to allow for the relocation of a billboard on 2.86 gross acres. (Chester C. Lehmann, Owner/Developer). CEQA: Exempt.  
PDC 00-08-082 - District 6  
(Continued from 12/12/00 – Item 15n)  
**Continued to 03/06/01.**



## 11 PUBLIC HEARINGS

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### 11.7 Public hearing on planned development rezoning.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of Lone Hill Road, 350 feet northerly of Los Gatos-Almaden Road, from R-1:B-8 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to two single-family detached units on 0.47 gross acre. (Christopher Harris and Marco DeGeorge, Owner/Developer). CEQA: Exempt.

PDC 00-08-076 - District 9

**Continued to 02/06/01.**

### 11.8 Public hearing on planned development rezoning.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of Alum Rock Avenue and Jose Figueres Avenue, from C-3 Commercial District to A(PD) Planned Development Zoning District, to allow 66 single family attached housing units on a 2.56 gross acre site. (MACSA, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 99-12-096 - District 5

**Ordinance No. 26283 passed for publication.**

### 11.9 Public hearing on conforming rezoning.

**Recommendation:** PUBLIC HEARING ON CONFORMING REZONING of the property located on the easterly side of Winchester Boulevard, opposite Olin Avenue and Olsen Drive, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow an increase in commercial space of approximately 30,000 square feet (total of 605,000 square feet), an increase in hotel rooms of 14 (total 214 rooms), and an increase in height of 30 feet (total of 120 feet) for the Hotel Site (Building 5) only, on the future Santana Row at Olin Avenue, as approved with General Plan Amendment File No. GP 00-T-10, on 35.6 gross acres. (FRIT San José Town & Country Village, LLC, Owner; San José Residential, Inc., Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement recommends approval.

PDCSH 00-09-095 - District 6

**Ordinance No. 26284 passed for publication.**

## 11 PUBLIC HEARINGS

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### 11.10 Public hearing on planned development rezoning.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Hedding Street and Park Avenue, from R-1:B-6 Residence Zoning District to A(PD) Planned Development Zoning District, to allow the construction of 11 single-family detached residences on 1.14 gross acres. (University Park Partners, Owner; Rosegarden Courtyards, LLC, Developer). CEQA: Negative Declaration.

PDC 00-10-107 - District 6

**Continued to 02/06/01.**

### 11.11 Public hearing on planned development rezoning.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southwest corner of Stevens Creek Boulevard and San Tomas Expressway, from R-1:B-2 Residence and C-3 Commercial Zoning Districts to A(PD) Planned Development Zoning District, to allow up to 42,000 square feet of automobile sales and service facilities on 7 gross acres. (Avery H. Smith and Company and County of Santa Clara, Owners/Courtesy Chevrolet, Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDCSH 00-08-079 - District 1

**Ordinance No. 26285 passed for publication.**

- **Open Forum**  
No Oral Communications Presented.
- **Adjournment**  
The Council of the City of San José adjourned at 7:15 p.m. in memory of William Hewlett, noted philanthropist and co-founder of Hewlett-Packard Company.

**JOINT CITY OF SAN JOSÉ  
CITY COUNCIL/FINANCING AUTHORITY  
AGENDA**

**1:30 P.M.**

**TUESDAY, JANUARY 16, 2001**

**CHAMBERS**

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1. Call to Order
2. **Approval of various financial actions related to the Hayes Mansion Phase III Improvement and Refunding Project.**

**Recommendation:**

- (a) Conduct a Public Hearing concerning the approval of the proposed lease financing by the City and the City of San José Financing Authority related to the refinance of certain outstanding obligations, a portion of which the proceeds were used by the City to acquire and construct improvements to the Hayes Mansion and Edenvale Garden Park and to finance certain additional improvements to the Hayes Mansion, additional park improvements and a public parking facility at Edenvale Garden Park.
- (b) Adoption of a resolution by the City of San José Financing Authority authorizing the issuance of three series of lease revenue bonds in the initial aggregate principal amount not to exceed \$60 million for the Series B & C taxable bonds, and \$10 million for the Series D tax exempt bonds, in connection with financing and refinancing certain public capital improvements at the Hayes Mansion and Edenvale Garden Park, authorizing and directing execution of an Indenture of Trust and certain financing documents, authorizing the negotiation of the sale of bonds, approving the Official Statements and authorizing other related actions.
- (c) Adoption of a resolution by the City Council:
  - (1) Authorizing and directing the execution of certain financing documents, including the Project Lease and other related documents and directing certain related actions in connection with financing for certain public capital improvements.
  - (2) Authorizing the City Manager to negotiate and execute an agreement with Stone & Youngberg, LLP for financial advisory services from January 1, 1999 until April 1, 2001, in an amount not to exceed \$70,000.
  - (3) Authorizing the City Attorney to negotiate and execute an agreement with Jones Hall, A Professional Law Corporation, for bond counsel services.
- (d) Adoption of an ordinance by the City Council approving, authorizing, and directing the execution of a Project Lease in connection with the Hayes Mansion Phase III Improvement and Refunding Project.

(Finance)

**Deferred to 01/30/01.**

3. Adjourn the San José Financing Authority